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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,763	01/19/2001	Roger P. Hoffman	P/2-89	9720

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EXAMINER	
BORISSOV, IGOR N	
ART UNIT	PAPER NUMBER
3628	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/765,763	HOFFMAN, ROGER P.	
	Examiner	Art Unit	
	Igor N. Borissov	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04/29/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) *4,5,8 and 10-17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,3,6,7,9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Amendment received on 04/29/2008 is acknowledged and entered. Claims 1-17 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-3, 6, 7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is directed to a system and recite the following structural elements: "an industry related portal"; and "a second portal of a different industry", which is confusing.

The specification defines the portal as following:

> [0007]
> It is an object of the present invention for each of said portals to contain a mini portal and a micro portal. It is an object of the present invention for the system to have *a search engine, which can search a single portal having micro and mini portals or to search between portals.*

Apparently, the specification defines a "portal" as a collection of data files, or data per se. Furthermore, Microsoft ® Computer Dictionary, 4th ed. page 350, defines the term "portal" as: "a Web site that serves as a gateway to the Internet. A portal is a collection of links, content, and services designed to guide users to information they are likely to find interesting – news, weather, entertainment, commerce sites, chat rooms, and so on. Yahoo!, Excite, MSN.com, and Netscape NetCenter are examples of portals".

Therefore, it is not clear to what extend the term "portal" represents a structural element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al. (US 6,292, 894) in view of Krishan et al. (US 6,442,529).

Chipman et al. (Chipman) teach a system for retrieving, organizing and utilizing networked data, consisting essentially of (For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48USPQ2d at 1355):

As per claim 1,

an industry related portal (column 4, lines 10-17);

a second portal of a different industry (column 4, lines 10-17), Chipman explicitly teaches that applications of said invention may include various industries, including aerospace industry, automotive industry, electronics, pharmaceutical and other industries (C. 14, L. 7-12);

said system integrating said portals so that a user can search and view information relating to both portals in a single system (column 2, lines 46-54; column 3, lines 51-65; C. 9, L. 39).

Chipman does not explicitly teach that information related to a first and second portal is displayed simultaneously.

Krishan et al. (Krishan) teaches a system for delivering targeted information and advertising over the Internet, wherein users are provided with an access to the Internet via Internet services providers (ISP) or via "mini-portals" provided by different entities in such a way that information provided by said "mini-portals" and different entities is displayed simultaneously (Fig. 9; C. 6, L.2-48; C. 20, L. 28-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is displayed simultaneously, as disclosed in Chipman, because it would advantageously simplify the process of selection of topic of interest for the user by not having to memorize the content of each separate Web page. Furthermore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision Ex arte Smith, -- USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

As per claim 2, said method and system, wherein said user can order part or services (column 12, lines 40-41).

As per claim 3, Chipman and Khrishan teaches all the limitations of claims 3, including a governing portal for each industry, and other mini-portals in that industry, except specifically teaching that said portals include following definitions: a *macro* portal.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The functions performed by said system would be the same regardless of the definition of the recited portals. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack,* 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Furthermore, it would be obvious matter of business choice to incorporate any language suitable for the job for the purposes of providing convenience for service personnel.

As per claim 7, said method and system, further comprising product specification information (column 9, lines 56-63).

As per claim 9, said method and system, further comprising a search engine (column 6, line 63 – column 7, lines 14).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al. in view of Krishan et al. and further in view of Rangan (US 6,412,073).

As per claim 6, Chipman in view of Krishan teaches all the limitations of claim 6, except specifically teaching a transaction-tracking component.

Rangan teaches a method and system for user-interactive portals accessible via the Internet, wherein a facility is provided for automatically tracking transactions made at various destinations (column 8, lines 20-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman and Krishan to include transaction tracking component, as disclosed in Rangan, because it would advantageously allow to automate processing of the transactions for the users, as specifically stated in Rangan (C. 8, L. 19-23).

Response to Arguments

In response to applicant's argument that "*Data files represent a structural element*" the examiner stipulates that data file is nothing more than information organized in certain way. Microsoft © Computer Dictionary, 4th Ed. 1999, P. 124 defines the data file as: "A file consisting in the form of text, numbers or graphics, as distinct

from a program file of commands and instructions". As such, it is not clear to what extend information can represent a structural element.

In response to applicant's argument that the prior art fail to teach or suggest allowing a user to search between at least two portals, it is noted that Chipman teaches that responses to user's questions are organized in different portals (C. 5, L. 59-67):

> *portal 102 stores some information which may answer some initial questions for user 103 and point to suppliers 104 and 105 for additional information*. As user 103 consumes the information provided over Web 101, user 103 may be referred to as an integrator as it integrates the available information. Notably, *the resulting data sets combined by user 103 may be placed in another portal 102* for another user's access. In this instance, user 103 becomes another supplier.

Furthermore, Krishan et al. was applied to show that users are provided with an access to the Internet via Internet services providers (ISP) or via "mini-portals" provided by different entities in such a way that information provided by said "mini-portals" and different entities is displayed simultaneously (Fig. 9; C. 6, L.2-48; C. 20, L. 28-41).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
08/21/2008